

CAUSE NO. 471-05870-2020

FAITH MUOKA,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	COLLIN COUNTY, TEXAS
	§	
OXFORD GRAND MCKINNEY, LLC	§	
AND OXFORD SENIOR LIVING,	§	
	§	
Defendants.	§	471ST JUDICIAL DISTRICT

**DEFENDANTS' ORIGINAL ANSWER,**  
**AFFIRMATIVE DEFENSES, AND REQUEST FOR DISCLOSURE**

Defendants Oxford Grand McKinney, LLC and Oxford Senior Living ("Defendants") file their Original Answer to Plaintiff Faith Muoka's ("Plaintiff") Original Petition, and would respectfully show the Court as follows:

**I.**  
**GENERAL DENIAL**

Pursuant to Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants hereby generally deny each and every, all and singular, the allegations, charges and claims contained in the Plaintiff's Original Petition, and demands strict proof thereof by a preponderance of credible evidence.

**II.**  
**AFFIRMATIVE DEFENSES**

Without assuming any burden of proof that it would not otherwise bear, and reserving their right to amend their Answer to assert additional defenses as they may become known during discovery, Defendants assert the following defenses and/or affirmative defenses:

1. First Defense. The Petition fails to state a claim upon which relief may be granted.

2. Second Defense. Plaintiff failed to take reasonable steps to mitigate any damages alleged to be sustained.

3. Third Defense. Plaintiff's claim may be barred, in whole or in part, by failure to timely and/or thoroughly exhaust administrative prerequisites to suit and/or to adequately comply with other statutory requirements.

4. Fourth Defense. Plaintiff's claim for money damages and costs of court may be barred or limited by the after-acquired evidence doctrine.

5. Fifth Defense. All decisions relating to Plaintiff's employment would have been taken in the absence of any alleged impermissible factor.

6. Sixth Defense. Defendants specifically plead any applicable caps and limitations upon any award of damages, both compensatory and punitive, that may be available under applicable federal and state statutes.

7. Seventh Defense. Any and all acts, conduct, and/or omissions of Defendants with regard to conduct toward Plaintiff were in good faith and without oppression or malice toward Plaintiff and her rights, thereby precluding claims for exemplary or punitive damages.

### **III.** **REQUEST FOR DISCLOSURE**

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants request disclosure, within thirty days of service of this request, the information or material described in Rule 194.2.

### **IV.** **AUTHENTICATION**

Pursuant to Texas Rule of Civil Procedure 193.7, Defendants hereby serve notice that Plaintiff's production of a document in response to written discovery authenticates the document for use against that party in any pretrial proceeding or at trial.

WHEREFORE, PREMISES CONSIDERED, Defendants Oxford Grand McKinney, LLC and Oxford Senior Living pray that, upon final hearing of this cause, the Court enter judgment that Plaintiff Faith Muoka take nothing of and from Defendants, assess costs and attorneys' fees against Plaintiff, and award Defendants all other and further relief in law or equity to which they may be justly entitled.

Respectfully Submitted,



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ATTORNEY FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document has been served upon Plaintiff's counsel on the 2nd day of February 2021 via Eservice in accordance with the TEXAS RULES OF CIVIL PROCEDURE:

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ALLYN JAQUA LOWELL

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Rita Slaten on behalf of Allyn Lowell  
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 Status as of 2/3/2021 11:53 AM CST

Associated Case Party: Oxford Grand McKinney, LLC.

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Allyn JaquaLowell		allyn.lowell@meaderslaw.com	2/2/2021 4:12:35 PM	SENT
Meaders & Alfaro eservice		efiling@meaderslaw.com	2/2/2021 4:12:35 PM	SENT

## Case Contacts

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Name	BarNumber	Email	TimestampSubmitted	Status
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Allyn JaquaLowell		allyn.lowell@meaderslaw.com	2/2/2021 4:12:35 PM	SENT